

REMARKS

In response to the Examiner's restriction requirement, Applicant has provisionally selected Invention II with traverse. Applicant submits that the Inventions identified by the Examiner are not distinct from one another. **The claims remaining in consideration are claims 1-38.** Claims 1, 2, 16, and 27 are the independent claims remaining under consideration. No new matter has been added by this response.

I. Restriction Requirement

The Examiner has issued a restriction requirement, identifying Invention I as a method of assembling a block stringer, represented by Claim 1, Invention II as a block attacher, represented by Claims 2-16, Invention III as a method of producing stringers, represented by Claims 16-26, and Invention IV as a block stringer assembler, represented by Claims 27-38.

Specifically, the Examiner asserts that:

- Inventions I and II are distinct because Invention II, as an apparatus, can be used to practice another and materially different process from Invention I because it can be used to assemble pallets without an assembly path.
- Inventions I and III are distinct because Invention I, as a combination, does not require the particulars of Invention III, the subcombination, because Invention I does not require the use of a drive chain. The Examiner also asserts that Invention III has a separate utility of making pallets at one station.
- Inventions I and IV are distinct because Invention IV, as an apparatus, can be used to practice another and materially different process from Invention I because it can be used to assemble pallets without an assembly path.
- Inventions II and III are distinct because Invention III, as an apparatus, can be used to practice another and materially different process from Invention II can be used to make pallets without the use of a second slat driver.

- Inventions II and IV are distinct because Invention IV, as a combination, does not require the particulars of Invention II, the subcombination, because Invention IV does not require a block dispenser disposed to dispense a block to an assembly station. The Examiner also asserts that Invention II has a separate utility of assembling pallets without a drive chain or slat magazine.
- Inventions III and IV are distinct because Invention III, a process, can be practiced by another materially different apparatus than Invention IV because it can be used to assemble pallets without a drive chain, a slat magazine, or a second slat driver.

Applicant respectfully requests reconsideration of the restrictions with respect to Inventions II, III, and IV.

First, the Examiner's stated basis for distinguishing between Inventions I and II and between Inventions I and IV is that Inventions I and IV, which are both apparatuses, can be used in a materially different process, namely assembling pallets without an assembly path. As the Examiner notes MPEP §806.05(e) requires that the apparatus be capable of being used to practice another materially different process. Applicant respectfully submits that the proposed distinction, to the extent it exists at all, is not material. Invention I, represented by Claim 1, refers to an assembly path as "operatively connecting the slat dispensing station to the block dispensing station." Each slat is moved along the assembly path from the slat dispensing station toward the block dispensing station. Invention II, represented, *inter alia*, by Claim 2, includes first and second slat drivers that move individual slats from a slat dispenser to an assembly station. A block dispenser dispenses blocks to the assembly station. The end result of the described apparatus of Claim 2 is the movement of a slat from a slat dispensing area to block dispensing/assembly area in a manner that is not materially different than the method of Claim 1. Similarly, Invention IV, represented, *inter alia*, by Claim 27, includes first and second drivers (following the amendments made herein) that move individual slats from a slat dispenser to first and at least one other preconfigured location associated with block dispensers. Again, individual slats are moved from a slat dispensing area to a block dispensing/assembly area in a manner that

is not materially different than the method of Claim 1. Therefore, Applicant respectfully requests reconsideration of these grounds for restriction.

Second, the Examiner's stated basis for distinguishing between Inventions I and III is that Invention I does not require the use of a drive chain. However, Applicant notes that Claim 16, which is the representative independent claim of Invention III, also does not require the use of a drive chain. Instead, Claim 16 refers to the step of driving individual slats to selected positions. Claim 16 is not limited to a particular means for driving or moving the individual slats. Therefore, Applicant respectfully requests reconsideration of this ground for restriction.

Next, the Examiner's stated basis for distinguishing between Inventions II and III is that Invention III can be made without the use of a second slat driver. Claim 2, which is the sole representative independent claim associated with Invention II refers to a first slat driver and a second slat driver that moves between a first and at least one other selected position. Claim 16, the representative independent claim of Invention III, similarly refers to driving individual slats to a first selected position and then moving said slat to a second selected position. The operation of the apparatus of Claim 2 is not materially different from the method of Claim 16. In each, individual slats are moved to a first selected position and then to at least one other selected position. Therefore, Applicant respectfully requests reconsideration of this ground for restriction.

Next, the Examiner's stated basis for distinguishing between Inventions II and IV is that Invention IV does not require a block dispenser disposed to dispense a block to an assembly station. Claim 27, which is the representative independent claim of Invention IV, refers to a first block dispenser disposed to place blocks onto individual slats at a first preconfigured location at which a block fixator fixes said blocks to individual slots, *i.e.*, assembly. Furthermore, Claim 27, as amended, does not require a drive chain or slat magazine. Therefore, Applicant respectfully requests reconsideration of this ground for restriction.

Finally, the Examiner's stated basis for distinguishing between Inventions III and IV is that Invention III can be used to assemble pallets without a drive chain, a slat magazine, or a second slat driver. First, Applicant respectfully submits that the Examiner's statement with

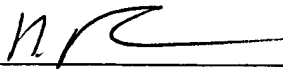
respect to the fact that Invention III does not require use of a drive chain directly supports Applicant's comments in connection with the asserted distinction between Inventions I and III. Next, Claim 27, which is the sole representative independent claim associated with Invention IV refers to a first driver and a second driver. Claim 27 also refers to moving individual slats to a first and at least one other preconfigured location. Claim 16, the representative independent claim of Invention III, similarly refers to driving individual slats to a first selected position and then moving said slat to a second selected position. The operation of the apparatus of Claim 27 is not materially different from the method of Claim 16. In each, individual slats are moved to a first selected position and then to at least one other selected position. In addition, Claim 27, as amended, does not require a slat magazine. Therefore, Applicant respectfully requests reconsideration of this ground for restriction.

II. Conclusion

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,



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